

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 13-9466 JSL	Date	March 13, 2014
Title	Gonzalo Alarcon v. Fred Faulk		

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge		
Hana Rashad	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Petitioner:		Attorneys Present for Respondent:
none		none

Proceedings: (IN CHAMBERS) **ORDER TO SHOW CAUSE RE DISMISSAL**

On December 26, 2013, petitioner Gonzalo Alarcon (“petitioner”), a prisoner in state custody who was proceeding *pro se*, formally filed a federal petition for writ of habeas corpus (the “Original Petition”). As the Original Petition failed to name any respondent, effectively destroying personal jurisdiction, the Court granted petitioner leave to file a first amended petition curing such deficiency. On January 14, 2014, petitioner, still proceeding *pro se*, signed a First Amended Petition for Writ of Habeas Corpus (“First Amended Petition”), which was formally filed on January 27, 2014 and named a respondent. The Court thereafter issued an Order Governing Proceedings Involving First Amended Petition for Writ of Habeas Corpus by a Person in State Custody (“Case Management Order”), which, among other things, set dates in this matter.

On January 29, 2014, petitioner signed a “Request to Withdraw Habeas Petition” (“Petitioner’s Request”) which was formally filed on February 3, 2014. Petitioner’s Request reflected that petitioner “[was] currently being represented by counsel and would like to withdraw [the First Amended Petition] for counsel to proceed.” Petitioner’s Request also supplied the name and contact information for the referenced counsel: Caroline R. Hahn, 1651 E. 4th St., Suite 229, Santa Ana, CA 92701, telephone 714-530-3104, fax 714-908-7903 (“Proposed New Counsel”).

As the Court could not discern whether Petitioner’s Request sought (1) merely to withdraw the First Amended Petition (“Option 1”); (2) to dismiss this action without prejudice (“Option 2”); or (3) to substitute in the Proposed New Counsel to represent him in this action and leave to file a second amended petition (or to file a supplement/additional support for the pending First Amended Petition) through such counsel (“Option 3”), the Court, on February 6, 2014, issued an order essentially directing petitioner, within twenty (20) days, *i.e.*, by February 26, 2014, to clarify which of the foregoing options Petitioner’s Request sought or whether Petitioner’s Request sought some other relief (“February Order”). The Court further directed the Clerk to serve the February Order on both petitioner and petitioner’s Proposed New Counsel (as well as on respondent’s counsel).

Although petitioner’s deadline to file the response directed by the February Order expired more than two weeks ago, petitioner has not filed a response to the February Order and has not further communicated with the Court.

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IT IS THEREFORE ORDERED that the petitioner shall show cause in writing, on or before **April 2, 2014**, why this action should not be dismissed based upon petitioner's failure to comply with the February Order and petitioner's failure to prosecute. **If petitioner no longer wishes to pursue this action, he may expedite matters by instead signing and returning the attached Notice of Dismissal by the foregoing deadline.**

Petitioner is cautioned that the failure to comply with this order and/or to show good cause, will result in the dismissal of this action based upon his failure to comply with the Court's orders and/or his failure to prosecute this action.

The Clerk is directed to serve a copy of this Order and attachment on petitioner, respondent's counsel, and petitioner's Proposed New Counsel at the address noted above.

IT IS SO ORDERED.

Attachment

Initials of Deputy Clerk hr